

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ADAM JAY STONE,

Plaintiff,

v.

C. PFEIFFER, et al.,

Defendants.

No. 1:21-cv-01461-KES-SAB (PC)

ORDER REGARDING CONSENT TO,
DECLINE TO, OR WITHHOLD CONSENT TO
UNITED STATES MAGISTRATE JUDGE
JURISDICTION WITHIN **TEN (10) DAYS.**

Plaintiff is proceeding pro se in this action filed pursuant to 42 U.S.C. § 1983.

This action is proceeding Plaintiff's excessive force claim against Defendants B. Gonzales, G. Morales, K. Gonzales, and Anderson in violation of the Eighth Amendment. Defendants did not file a dispositive motion for summary judgment and the time to do so has now passed. Accordingly, this case is ready to be set for jury trial.

The Court's review of the docket indicates Defendants have not yet completed this Court's Consent/Decline Form, indicating whether Defendants consent to or decline Magistrate Judge jurisdiction.

The Fresno Division of the Eastern District of California has one of the heaviest District Judge caseload in the entire nation. Though the Court will use its best efforts to resolve this case and all other civil cases in a timely manner, the parties are informed that the parties' needs and expectations may not be met as expeditiously as desired.

District Judges are now setting multiple trials to begin upon the same date, and as a result parties may find their case trailing with little notice before the trial begins. The law requires the Court give any criminal case priority over civil trials and other matters, and the Court must

1 proceed with criminal trials even if a civil trial is older or was set earlier. Continuances of civil
2 trials under these circumstances will no longer be entertained, absent a specific and stated finding
3 of good cause. If multiple trials are scheduled to begin on the same day, this civil trial will trail
4 day to day or week to week until completion of any criminal case or older civil case.

5 The parties are advised of the availability of a United States Magistrate Judge to conduct
6 all proceedings in this action. A United States Magistrate Judge is available to rule upon
7 dispositive motions and conduct trials if need be, including entry of final judgment, pursuant to
8 28 U.S.C. § 636(c), Federal Rule of Civil Procedure 73, and Local Rule 305.

9 The parties are reminded of the availability of a United States Magistrate Judge to conduct
10 all proceedings in this action. A United States Magistrate Judge is available to conduct trials,
11 including entry of final judgment, pursuant to 28 U.S.C. § 636(c), Federal Rule of Civil
12 Procedure 73, and Local Rule 305. The same jury pool is used by both United States Magistrate
13 Judges and United States District Court Judges. Defendants are advised that they are free to
14 decline or withhold consent without any adverse substantive consequences. The Court also does
15 not take any position on the merits of any claim or defense in this case by issuing this order.

16 Based on the foregoing, the Court ORDERS:

- 17 1. The Clerk of Court is DIRECTED to send Defendants a copy of the Court's
18 Consent/Decline Form;
- 19 2. Within ten (10) days from the date of service of this Order, Defendants may
20 complete and return the Form; and
- 21 3. If the form is not received within ten days, the Court will assume that the
22 Defendants have withheld consent and will proceed accordingly.

23 IT IS SO ORDERED.

24 Dated: October 9, 2024

25 
26 UNITED STATES MAGISTRATE JUDGE
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